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United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
PHILLIP PULIDO,  
  
Defendants.

CASE NO. 1:23-CR-00083-JLT-SKO  
  
STIPULATION AND ORDER REGARDING  
EXCLUDABLE TIME PERIODS UNDER SPEEDY  
TRIAL ACT  
  
DATE: May 29, 2024  
TIME: 1:00 p.m.  
COURT: Hon. Sheila K. Oberto

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendants, by and through defendants' counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on May 29, 2024.
2. By this stipulation, defendant now moves to continue the status conference until October 30, 2024, and to exclude time between May 29, 2024, and October 30, 2024, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that the discovery associated with this case includes reports, photographs, and audio files. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.
  - b) Counsel for defendant desires additional time to further review discovery, discuss potential resolution with her client and the government, and investigate and prepare for trial.

1           c)       Counsel for defendant believes that failure to grant the above-requested  
2 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
3 into account the exercise of due diligence.

4           d)       Counsel for the government has been in trial and counsel for defendant has been  
5 on leave and unavailable. Due to this, the parties have been delayed in filing this and apologize  
6 to the Court.

7           e)       Both counsel are not prepared to set a jury trial date at this time due to the  
8 unresolved issues created in *Duarte*. The parties believe the issues need to be resolved before a  
9 trial or any resolution can be had.

10          f)       The parties request a further status date due to the above factors.

11          g)       The government does not object to the continuance.

12          h)       Based on the above-stated findings, the ends of justice served by continuing the  
13 case as requested outweigh the interest of the public and the defendant in a trial within the  
14 original date prescribed by the Speedy Trial Act.

15          i)       For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
16 et seq., within which trial must commence, the time period of May 29, 2024 to October 30, 2024,  
17 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]  
18 because it results from a continuance granted by the Court at defendants' request on the basis of  
19 the Court's finding that the ends of justice served by taking such action outweigh the best interest  
20 of the public and the defendants in a speedy trial.

21          j)       The parties also agree that this continuance is necessary for several reasons,  
22 including but not limited to, the need to permit time for the parties to exchange supplemental  
23 discovery, engage in plea negotiations, and for the defense to continue its investigation and  
24 preparation, pursuant to 18 U.S.C. § 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: May 28, 2024

PHILLIP A. TALBERT  
United States Attorney

/s/ STEPHANIE M. STOKMAN  
STEPHANIE M. STOKMAN  
Assistant United States Attorney

Dated: May 28, 2024

/s/ CHRISTINA CORCORAN  
CHRISTINA CORCORAN  
Counsel for Defendant  
PHILLIP PULIDO

### ORDER

On May 13, 2024, the Court issued a minute order requiring the parties to file a joint status report or, alternatively, a stipulation and proposed order to continue the status conference by no later than May 22, 2024. (Doc. 14.) On May 28, 2024--six days after the expiration of the deadline--the parties filed a stipulation to continue the conference. (Doc. 32.)

The parties' reasons for the delayed request for continuance is that counsel "are not prepared to set a jury trial date at this time due to the unresolved issues created in *Duarte*," due to their belief that "the issues need to be resolved before a trial or any resolution can be had." This is insufficient and does not explain the six-day delay in filing the stipulation for continuance. The parties SHALL appear for the status conference set for May 29, 2024, at 1:00 PM before the undersigned.

IT IS SO ORDERED.

Dated: May 28, 2024

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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